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THE NINTH MEMBER OF THE CHICAGO EIGHT



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PORTRAIT BY LARRY MARCUS

**Gerald Lefcourt counts
Abbie Hoffman,
Sid Vicious and hotelier
Harry Helmsley among
the clients he's had in his
legendary career**

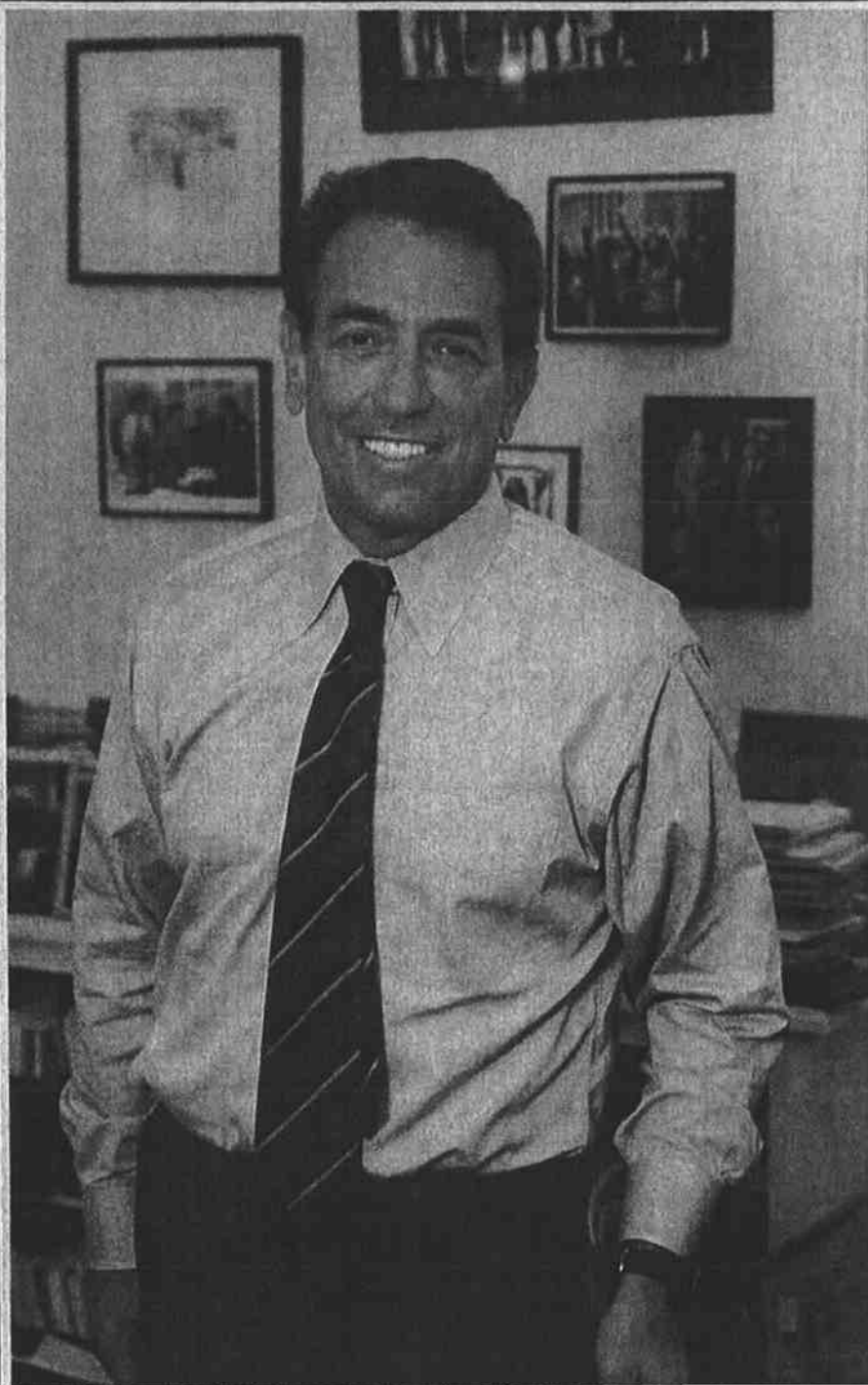
In the summer of 1968, Gerald Lefcourt was 25 years old and his law career was off to a shaky start. He had been fired from his first job with the Legal Aid Society of New York for trying to unionize his fellow public defenders. He sued for wrongful dismissal, and his case made the newspapers.

Then he got a phone call.

"The man said he had a dentist and doctor but, since he had three criminal cases pending, what he really needed was a lawyer," Lefcourt says. "I said to him, 'I don't really have an office because I've just been fired.' He said that was OK, come down to the lower east side. And that was Abbie Hoffman, who I had never heard of. He was just on the cusp of becoming famous."

Within a year, Lefcourt represented Hoffman at the famous trial of the Chicago Eight, where he wound up in jail with the defendants. He represented Hoffman for free until the activist's death in 1989. After Chicago, while representing the Black Panthers in New York, off-duty police officers attacked and beat Lefcourt on his way to court with his co-counsel and mentor, famous civil rights attorney William Kunstler.

In the maelstrom of the '60s, Lefcourt found his calling in life: defending clients in criminal cases against the overwhelming and often overreaching power of the government. "The thing that is most important to me is social change and finding that hidden path to 'equal justice under



He's been attacked, beaten and thrown into jail, but nothing can slow down Lefcourt in his pursuit of justice.

law' that we talk about a lot but have never achieved," he says.

But this "movement lawyer" quickly moved beyond radical and political clients to represent musicians like Sly Stone and Sid Vicious as well as decidedly nonpolitical clients like real estate magnate Harry Helmsley and actor Russell Crowe. He also represented the late gonzo journalist Hunter S. Thompson. And in December 2005 he got an acquittal for hip-hop mogul Irv Gotti on a money-laundering charge.

Lefcourt may defend anti-establishment clients, but his practice is as mainstream as they come. He has served as past president of the National Association of Criminal Defense Lawyers

(NACDL). He founded the New York State Association of Criminal Defense Lawyers and is past president of the New York Criminal Bar Association.

"He helped put the NACDL on the map as an organization with a national press profile and reputation for lobbying effectively in Congress," says fellow defense attorney Barry Scheck, founder of the Innocence Project. "Few great lawyers are effective bar leaders. Gerry is one of the few, and among the criminal defense bar, the best. Whenever criminal defense lawyers want the latest, best idea, they call Gerry."

Lefcourt summarized his legal philosophy in a 1996 article for the *Los Angeles Law Review*. "Defense attorneys are not advocates for crime," he wrote. "They are as interested as anybody in a safe environment in which to live and raise their families. But they are, or should be, overwhelmingly interested in making sure that the government deprives no one of liberty without doing so consistent with the law. Otherwise, the government is just another thug interfering with a citizen's freedom."

U.S. District Court Judge Nancy Gertner has known Lefcourt since the early 1970s. He represented her successfully in a case involving IRS disclosure requirements for clients who pay in cash. The case arose from Gertner's work as a defense attorney prior to becoming a judge.

"To him," Gertner says of Lefcourt, "being a lawyer is about justice and fairness, implementing the promise of the Constitution. He combines a brilliant legal mind with an acute strategic sense and unvarnished passion in defense of his clients. In addition, he is one of the few lawyers who is at home before a jury, a trial judge or an appellate court."

Lefcourt worries about the future of the Constitution and the country. This veteran of the 1960s says *continued on page 90*



Clockwise, from upper left: Lefcourt (left) and members of the Chicago Eight after their arraignment; at a 30-year reunion in Chicago's Lincoln Park with Bobby Seale and Tom Hayden in 1999; with Abbie Hoffman at a press conference; carrying hip-hop mogul Irv Gotti after his acquittal.

continued from page 21 we are now living in "scary times." He cites as evidence measures such as the Patriot Act, National Security Letters and the NSA wiretapping disclosures.

"The thing that got me recently," he says, "was Coretta Scott King's funeral, which had George W. Bush saying nice words about the woman and her husband, who was the subject of the same national security wiretap program that Bush advocates now."

Lefcourt feels that constant government surveillance and harassment played a role in Abbie Hoffman's suicide in 1989. "I can remember very, very clearly Abbie becoming emotionally distraught and devastated," he says. "The FBI had, unknown at the time, a counterintelligence program to destroy the effectiveness of anti-war and civil rights leaders. With Abbie, they would spread totally false things about him that were antithetical to him. They accused him of living in a penthouse when in fact every penny he ever made went into the movement."

At their first meeting in 1968, they spoke all night in Hoffman's apartment and, as the sun rose, Hoffman told him, "Let's make a pact. I will change society and make a revolution, and you will keep me out of jail."

Lefcourt managed to keep Hoffman out of jail, as he promised,

but he wasn't as successful for himself. In the Chicago Eight trial, the defendants were accused of crossing state lines with the intention of causing a riot at the bloody Chicago Democratic National Convention of 1968. The trial quickly became almost as riotous as the convention, and federal Judge Julius Hoffman — no relation to Abbie — issued 159 contempt-of-court citations. Perhaps the most lasting memory of the trial is that of the eighth defendant, Black Panther Bobby Seale, who was bound and gagged in the courtroom.

Seale had wanted to defend himself after Judge Hoffman refused a request by his lawyer, Charles Gary, to postpone the trial while Gary recovered from gallbladder surgery. The judge denied Seale's request, forcibly shut him up and ordered Lefcourt to defend Seale. Lefcourt refused and found himself in a jail cell on a Friday night with Seale, fellow defendant Jerry Rubin and another defense lawyer, Michael Tigar.

"I won't grant bail to a contumacious lawyer," Hoffman railed from the bench, referring to Lefcourt.

The irony was that his client, Abbie Hoffman, was not in the jail cell with him. William Kunstler, who represented David Dellinger in the trial, arrived at the jail with the bad news that he could not schedule a bail hearing until the following Monday morning. "Then he asks if he can borrow the keys to my New York apartment," Lefcourt remembers with a laugh.

In the end, five of the defendants were convicted, but all of the convictions were overturned on appeal. And the trial allowed the defendants to get their anti-war message out to the nation. ♡

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